

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1608.00
COMPLAINT INVESTIGATOR:	Jane Taylor-Holmes
DATE OF COMPLAINT:	August 28, 2000
DATE OF REPORT:	September 19, 2000
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	October 12, 2000

COMPLAINT ISSUES:

Whether the Center Grove Community School Corporation and the Johnson County Special Programs violated:

511 IAC 7-12-1(j) with regard to the school's alleged failure to ensure that the case conference committee (the "CCC") determined the appropriate related services to be provided when, after the May 1, 2000, CCC reached agreement on the student's need for an instructional assistant, the parent was advised by school personnel attending the CCC that the director of special education had to approve the request for an instructional assistant.

511 IAC 7-12-1(e) with regard to the school's alleged failure to ensure that the public agency representative participating in the May 1, 2000, CCC had the authority to commit public agency resources, specifically, advising the parent that the CCC agreement on the student's need for an instructional assistant had to be approved by the director of special education.

511 IAC 7-27-6(a)(3) and 511 IAC 7-28-1(o) with regard to the school's alleged failure to ensure that the CCC, at the August 24, 2000, meeting, considered the student's special transportation needs (such as a special or adapted vehicle or special equipment) to ensure the student's safety while being transported to and from school.

FINDINGS OF FACT:

1. The Student is five years old and is eligible for special education and related services as a student with a communication disorder. The Student attends a special education early childhood program.
2. Documentation provided by the local special education office indicates that the date of the CCC meeting was April 27, 2000, and not May 1, 2000, as indicated in issues #1 and #2.
3. During the course of the investigation, resolution was achieved with respect to issue #3

regarding transportation.

4. The Student's annual case review (the "ACR") was held on April 27, 2000. The Complainant, the school nurse, the speech/language pathologist (the "SLP"), the teacher-of-record, the occupational therapist (the "OT"), and the physical therapist (the "PT") attended this meeting.
5. Page 15 of the *CCC Report* states that the Complainant requested a one-to-one paraprofessional for the Student for the 2000-01 school year. The *CCC Report* also states, "It was suggested that the conference reconvene at a later date to discuss parent request." The bottom of page 15 has an entry that states, "On 5-19-00 parent requested that conference be reconvened on 8-15-00 to determine appropriate therapy schedules and possibility of an additional classroom assistance (sic) to facilitate movement and/or transitions in the classroom."
6. The CCC reconvened on August 24, 2000. The Complainant, an assistant director of special education, the PT, the OT, the teacher-of-record, and an advocate attended this meeting. The Complainant reported that she again requested that the Student have a one-to-one paraprofessional. The *CCC Report* indicates that goals and objectives written at the ACR were reviewed and additional goals were developed. The Student's class size was also discussed, and indicates that there are five students with disabilities in the classroom with one teacher and one paraprofessional. The *CCC Report* does not indicate that there was any discussion regarding the Complainant's request for a one-to-one paraprofessional.
7. The Complainant submitted a written opinion to the local special education office on August 25, 2000. When the Complainant received her copy of the *IEP* and *CCC Report*, the written opinion was not attached. On September 11, 2000, the Complainant submitted a second written opinion to the August 24, 2000 CCC meeting. The Complainant stated in the written opinion that the request for a one-to-one paraprofessional, among other items, was not included in the August 24, 2000 *CCC Report*.
8. The Director reported that the CCC is to recommend an *IEP*. The school reviews the CCC documentation and the *IEP* goals and then consideration is given to the assignment of human and instructional resources appropriate to meet a student's *IEP*. Specifically, with respect to related service personnel support, the CCC is expected to develop an educational plan that describes the type and level of support necessary for an appropriate placement in the least restrictive environment. It is then up to the principal, the Director, and the superintendent to decide how to employ and assign staff to meet the need. The employment and assignment of staff is an administrative duty. The CCC's responsibility is to identify an appropriate *IEP*.
9. The Student attends the special needs preschool on Monday, Tuesday, Wednesday, and Thursday for three and one-quarter hours daily. Besides the teacher and the teacher aid implementing the academic goals and objectives, the Student's *IEP* indicates that the physical therapy goals and objectives are shared by the PT, PTA, and the classroom staff two times weekly for 30 minutes each. The occupational therapy goals and objectives are shared by the OT and teacher aid one time weekly for 30 minutes., The speech/language therapy goals and objectives are shared by the SLP and the teacher

aide two times weekly for 60 minutes.

CONCLUSIONS:

1. Finding of Fact #5 indicates that no agreement was made by the CCC to provide the Student with a one-to-one paraprofessional, and that the Complainant's request for such was to be addressed at the re-convened CCC meeting. No violation of 511 IAC 7-12-1(j) occurred.
2. Findings of Fact #4, #5, #6, and #7 indicate that no agreement was made by the CCC to provide a one-to-one paraprofessional to the Student at either of the CCC meetings. Finding of Fact #8 indicates that student *IEPs* are written and then related services are considered and determined in accordance to how the goals and objectives can be met in the least restrictive environment. It is the responsibility of the CCC to determine if a student requires particular related services in order to benefit from special education, and then to inform administrative personnel of the need to hire additional staff. No violation of 511 IAC 7-12-1(e) occurred.

The Department of Education, Division of Special Education requires no corrective action based on the Findings of Fact and Conclusions listed above.

DATE REPORT COMPLETED: September 19, 2000